



DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



POLICY NUMBER

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02/12/2007

SUBJECT: STATE POLICE TRANSFERS

REVISION NO:

3

1.0 PURPOSE

The purpose for this policy is to establish guidelines for the voluntary, involuntary, and hardship transfers of commissioned employees within the Department of Public Safety.

2.0 POLICY

It is the policy of the Department of Public Safety to offer a fair and systematic process for duty station transfers of commissioned employees.

3.0 APPLICABILITY

This policy applies to all commissioned officers of DPS.

4.0 REFERENCES

NONE

5.0 DEFINITIONS

- A. **Chief** – The Chief of the New Mexico State Police or his/her designee.
- B. **Competitive District/Duty Station** – A duty station to which more than one (1) officer is seeking a transfer.
- C. **Competitive Process** – A process conducted by a specific bureau to select qualified and self-motivated personnel for specialty positions within the department.
- D. **Eligible District/Duty Station** – A district that the Chief has determined is understaffed to such an extent that a transfer to the district is warranted.
- E. **Eligible Employee** – A commissioned employee seeking a transfer who is currently assigned to a duty station that the Chief has determined is sufficiently staffed such that a transfer of the employee will not negatively impact the operations of said duty station.
- F. **Intra-district Transfer** – A transfer of an officer to another duty station within the officer's district.
- G. **Involuntary Transfer** – An involuntary transfer of an officer initiated by the Chief to address specific manpower, safety, supervision, or other similar issues.
- H. **Officer** – Refers to a commissioned employee holding the rank of officer/agent within DPS, unless clearly stated otherwise.
- I. **Self Assessment** – A written self-assessment of a commissioned employee by him/herself submitted in support of a transfer request based on predetermined criteria.
- J. **Supervisor** – Refers to commissioned supervisors holding the rank of sergeant and lieutenant within DPS, unless clearly stated otherwise.

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- J. Transfer List** – A list maintained by the Office of the Chief that contains all of the officers currently seeking transfers, together with their respective dates of service and dates of transfer requests.
- K. Transfer Request** – A written request made by IDC, initiated by the officer through the chain of command, to the Chief in which an officer requests a transfer. The request will include the officer's Self Assessment and the commander's rating.
- L. Voluntary Transfer** – A transfer of an officer following the officer's request.

6.0 PROCEDURE

A. Overview

1. This policy addresses Voluntary and Involuntary Transfers of Officers/Agents, Sergeants, and Lieutenants within the State Police Division. Transfer requests to the Investigations Bureau, Training and Recruiting Bureau, Standards Bureau, Governor's Security, and Commercial Vehicle Enforcement will continue to be governed by competitive processes administered by those respective areas.
2. The competitive processes **may** include, but are not limited to the following;
 - a. Application for consideration
 - b. Oral interview
 - c. Evaluations
 - d. Seniority
- e. An objective assessment of the applicant's suitability for the appointment by the oral interview panel. This assessment may include a review of advanced and/or specialized training, education, and/or verifiable expertise.
3. The Chief shall approve any formal process used by the Bureaus/Sections noted above and will have the discretion to order the commencement of a formal process for the purpose of filling vacancies in any of the above noted Bureaus/Sections.
4. Commissioned employees who are on corrective action plans, have had recent reprimands, suspensions or discipline, or have documented instances of failure to meet performance standards may not be considered for transfer.
5. The Chief shall retain the discretion to approve, deny, or direct transfers based on the needs and the best interest of the Department and the public it serves.

B. Posting of Transfer Lists and Vacancies

Transfers List will be posted on a monthly basis on the Department of Public Safety's intranet site; *The Insider*. Additionally, a list of vacancies for each District that can be filled by transfers will also be posted.

C. Voluntary Transfers for Officers/Agents

1. The process for an officer to request a Voluntary Transfer, including a hardship transfer, is as follows:
 - a. The officer/agent will initiate a Transfer Request in writing to the Chief. Supervisors in the chain of command may comment on the officer's/agent's Transfer Request, but they shall not delay or fail to forward the officer's Transfer Request to the Chief. The officer's/agent's time on the Transfer List

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will be calculated from the date the Transfer Request is submitted by the officer/agent.

All requests will include up to three (3) preferred districts, if available, in ranking order. Request will only be made to a district and placement within the district will be at the discretion of the district commander.

- b. The officer's/agent's Transfer Request will include the officer's/agent's commission date with the Department. Seniority will be calculated from this date. Officers/agents who have been reinstated to the Department will have their time calculated based on their total time of service, excluding the time they were away from the Department.
- c. If the officer/agent is seeking a transfer based on a hardship, the Transfer Request shall set forth in detail the nature of the circumstances surrounding the hardship.
- d. Officers/agents submitting Transfer Requests shall also complete a Self Assessment that will become part of the request. The Self Assessment will summarize the officer's/agent's accomplishments, work activity, ethical behavior, contributions to the District/Department, community involvement, and anything else the officer/agent believes relevant to assessing his/her merit. On the Self Assessment, the officer will rate him/herself according to the following:
 - i. "A" – Outstanding: The officer/agent consistently practices ethical behavior and is a top performer/producer in the top 10% of all officers in the district/bureau.
 - ii. "B" – Average: The officer/agent consistently practices ethical behavior and is a good performer/producer and consistently performs his/her duties in the manner expected by the Department.
 - iii. "C" – Below Average: The officer/agent is merely an adequate or below average performer/producer in the district, OR is one whose ethical conduct warrants improvement.
- e. Within five (5) days of the officer's/agent's submission of the Transfer Request, the district commander shall also rate the officer "A," "B," or "C," based on the above criteria, and shall forward that rating to the zone commander, together with the officer's most recent performance evaluation. In rating the officer, the district commander shall consider the following:
 - i. The officer's/agent's Self-Assessment;
 - ii. The District Commander's own observations of the officer's/agent's performance;
 - iii. The views of other supervisors in the district; and,
 - iv. The officer's/agent's performance evaluations.
- f. The zone commander will review the Transfer Request and ensure that the ratings of the officer/agent and the commander match before forwarding it to the Chief. If they do not match, the zone commander shall determine the final rating based on all of the information submitted. The Chief shall accept the final rating.

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2. Approval of an officer's Transfer Request requires that the District requested be designated as an Eligible District/Duty Station and the officer must be an Eligible Employee.
3. The Chief will assess Transfer Requests and rate them on a point system in three (3) different areas that include the officer's/agent's seniority, merit, and time on the Transfer List. Except in the case of hardship transfers, or transfers initiated by the Office of the Chief based on the needs of the Department, the Eligible Employee with the highest number of total points at the time the Competitive District/Duty Station becomes an Eligible District/Duty Station will be awarded the transfer.
 - a. Transfer Requests will be assessed points as follows:
 - i. Seniority – Each officer/agent will receive one (1) point for each completed year of service with the Department.
 - ii. Current Commander's Rating – Each officer/agent rated an "A" (Outstanding Officer) by the district commander will receive five (5) points. Officers will receive no points for a rating of "B" (Average Officer) as it is considered neutral in terms of points. Each officer/agent who is rated a "C" (Below Average) will have five (5) points deducted.
 - iii. Time on the Transfer List – Each officer/agent will receive one (1) point for each full month the officer/agent has been on the Transfer List beyond the two (2) year mandatory period; therefore no points will be awarded for time on the list until after the officer/agent has completed two (2) full years at his/her current duty station.
 - b. When a Competitive District/Duty Station becomes an Eligible District/Duty station, the Chief shall review the point ratings of each officer/agent on the Transfer List seeking a transfer to said duty station. For those officers/agents who have been on the Transfer List for more than six (6) months, the Chief shall contact the officer's/agent's district commander and confirm that the district commander's rating of the officer/agent has not changed based on the officer's/agent's performance during the time the officer/agent has been on the Transfer List.

Except in the case of hardship transfer requests, or transfers initiated by the Office of the Chief based on the needs of the Department, the officer/agent with the highest number of points will be awarded the transfer. If the officer/agent awarded the transfer is not an Eligible Employee (i.e., the officer/agent is currently assigned to a duty station that is so understaffed that an immediate transfer would negatively impact the operations of the current duty station), the officer/agent will be guaranteed the transfer in the future. The exact date of the transfer will be determined by the Uniform Bureau Deputy Chief.
 - c. Examples of how points would be earned regarding voluntary transfers follows. In this example, four (4) officers/agents have submitted Transfer Requests to the Office of the Chief. Each officer/agent has been rated as a "Good Officer."
 - i. Officer Adam has been with the Department for four (**4**) years. He requested a transfer after serving his/her two (2) -year mandatory period at his current duty station and has been on the list for two (**2**) years. Officer Adam would be assigned twenty-eight (**28**) points (twenty-four [24] points for

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- twenty-four [24] months on the list, plus four [4] points for four [4] years of service, no points added or subtracted for his rating as a Good Officer).
- ii. Officer Smith has been with the Department for twelve (**12**) years and has completed the two (2) -year mandatory period at his current duty station. He has been on the list for one (**1**) year and would therefore be assigned twenty-four (**24**) points.
 - iii. Officer Charles has been with the Department for seventeen (**17**) years and has completed her mandatory two (2) -year period at her current duty station. She has been on the list for one (**1**) year on the list and would therefore be awarded twenty-nine (**29**) points.
 - iv. Officer Daniels has been with the Department for twenty (**20**) years and has no time on the list because the request was recently submitted, a day before the vacancy opened. Therefore, he would be assigned twenty (**20**) points.
 - v. Of the examples listed above, Officer Charles would be granted the transfer.
4. If an officer/agent does not accept the Voluntary Transfer offer, they will be immediately removed from the transfer list.
- a. When an officer/agent is removed from the transfer list after "not accepting" they may, at their discretion, reapply for transfer only after re-starting the Voluntary Transfer Request process.
 - b. When an officer/agent re-applies, their previous time calculations on the Transfer List will have expired.
 - c. The date on which the officer/agent returns to the Transfer List will be the date on which time will start calculating.

D. Voluntary Transfers for Supervisors

1. The process for a supervisor to request a Voluntary Transfer, including a hardship transfer, is as follows.
 - a. The supervisor will initiate a Transfer Request in writing to the Chief. Supervisors in the chain of command may comment on the supervisor's Transfer Request, but they shall not delay or fail to forward the supervisor's Transfer Request to the Chief. The supervisor's time on the Transfer List will be calculated from the date the Transfer Request is submitted by the requesting supervisor.

All requests will include up to three (3) preferred districts, if available, in ranking order. Requests will only be made to a district and placement within the district will be at the discretion of the district commander.
 - b. The supervisor's Transfer Request will include the supervisor's promotion date to his/her current rank with the Department. Seniority will be calculated from this date.
 - c. If the supervisor is seeking a transfer based on a hardship, the Transfer Request shall set forth in detail the nature of the circumstances surrounding the hardship.
 - d. Supervisors submitting Transfer Requests shall also complete a Self-Assessment that will become part of the request. The Self-Assessment will summarize the supervisor's accomplishments, work activity, ethical behavior,

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contributions to the District/Department, community involvement, and anything else the supervisor believes relevant to assessing his/her merit. On the Self-Assessment, the supervisor will rate him/herself according to the following:

- iv. "A" – Outstanding: The supervisor consistently practices ethical behavior and is highly respected among district officers and peers.
 - v. "B" – Average: The supervisor consistently practices ethical behavior and is respected among most district officers and peers. He/she continues to perform at the expected level of the Department
 - vi. "C" – Below Average: The supervisor is merely an adequate or below average manager in district, OR is one whose ethical conduct warrants improvement.
 - e. Within five (5) days of the supervisor 's submission of the Transfer Request, the district commander shall also rate the supervisor "A," "B," or "C," based on the above criteria, and shall forward that rating to the zone commander, together with the supervisor's most recent performance evaluation. In rating the supervisor, the district commander shall consider the following:
 - v. The supervisor's Self-Assessment;
 - vi. The District Commander's own observations of the supervisor's performance;
 - vii. The views of other supervisors in the district; and,
 - viii. The supervisor's performance evaluations.
 - f. The zone commander will review the Transfer Request and ensure that the ratings of the officer/agent and the commander match before forwarding it to the Chief. If they do not match, the zone commander shall determine the final rating based on all of the information submitted. The Chief shall accept the final rating.
2. Approval of a supervisor's Transfer Request requires that the District requested be designated as an Eligible District/Duty Station and the supervisor must be an Eligible Employee.
 3. The Chief will assess Transfer Requests and rate them on a point system in three (3) different areas that include the supervisor's seniority in rank, merit, and time on the Transfer List. Except in the case of hardship transfers, or transfers initiated by the Office of the Chief based on the needs of the Department, the Eligible Employee with the highest number of total points at the time the Competitive District/Duty Station becomes an Eligible District/Duty Station will be awarded the transfer.
 - a. Transfer Requests will be assessed points as follows:
 - iv. Seniority – Each supervisor will receive one (1) point for each completed year of service held in his/her current rank.
 - v. Current Commander's Rating – Each supervisor rated an "A" (Outstanding Officer) by the district commander will receive five (5) points. Supervisors will receive no points for a rating of "B" (Average Officer) as it is considered neutral in terms of points. Each supervisor who is rated a "C" (Below Average) will have five (5) points deducted.

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- vi. Time on the Transfer List – Each supervisor will receive one (1) point for each full month the supervisor has been on the Transfer List from the date of request.
- b. When a Competitive District/Duty Station becomes an Eligible District/Duty station, the Chief shall review the point ratings of each supervisor on the Transfer List seeking a transfer to said duty station. For those supervisors who have been on the Transfer List for more than six (6) months, the Chief shall contact the supervisor's district commander and confirm that the district commander's rating of the supervisor has not changed based on the supervisor's performance during the time the supervisor has been on the Transfer List.

Except in the case of hardship transfer requests, or transfers initiated by the Office of the Chief based on the needs of the Department, the supervisor with the highest number of points will be awarded the transfer. If the supervisor awarded the transfer is not an Eligible Employee (i.e., the supervisor is currently assigned to a duty station that is so understaffed that an immediate transfer would negatively impact the operations of the current duty station), the supervisor will be preferred to receive the transfer in the future. The exact date of the transfer will be determined by the Uniform Bureau Deputy Chief.

- 4. If a supervisor does not accept the Voluntary Transfer offer, they will be immediately removed from the transfer list.
 - a. When a supervisor is removed from the transfer list after "not accepting" they may, at their discretion, reapply for transfer only after re-starting the Voluntary Transfer Request process.
 - b. When a supervisor re-applies, their previous time calculations on the Transfer List will have expired.
 - c. The date on which the supervisor returns to the Transfer List will be the new date on which time on the transfer list will be calculated.

E. Hardship Transfers

- 1. The Chief reserves the right to grant Transfer Requests based on hardships. Because such transfers circumvent the voluntary transfer process described above, such transfers shall be carefully screened. Without limiting the types of circumstances that might constitute hardships, hardship transfers will be generally limited to those situations involving the following:
 - a. A need for a change of duty station to address serious medical needs of the officer or his/her immediate family.
 - b. To address the need of an officer to provide caretaking or similar assistance to an immediate family member that cannot be reasonably provided by another source.
- 2. Other hardship transfer requests will generally not be granted. These reasons may include, but not limited to, limited employment opportunities for spouses, and circumstances related to finances, educational opportunities, or lifestyle. While the Department recognizes such circumstances are legitimate reasons for requesting a

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transfer through the normal voluntary transfer process, such circumstances will generally not be considered hardships, absent other extenuating factors. Furthermore, self-created so-called "hardships" (e.g., a commissioned employee accepts a promotion or transfer to a duty station, then requests a transfer back to his/her last duty station based on the "hardship" of being away from family), will not, absent other extenuating circumstances, qualify for a hardship transfer.

3. If a commissioned employee's request for a hardship transfer is denied, the employee will be notified in writing, and the Transfer Request will automatically be processed in accordance with the process outlined above for Voluntary Transfers not involving hardships.

F. Involuntary Transfers

Involuntary transfers will be made at the Chief's discretion based on the needs and best interest of the Department and the public we serve. As an example, involuntary transfers might be made due to manpower, safety, supervision, or other similar needs.

G. Intra-District Transfers

District Commanders may approve voluntary intra-district transfers with the concurrence of the Uniform Bureau Deputy Chief, when the transfer addresses the needs of the District and/or the officers therein.

H. MISCELLANEOUS

Relocation expenses will be handled according *ADM:27 Personnel Relocation Expenses*. If an Eligible Employee is awarded a transfer and funds were not available at the time of the award to pay for the move, nothing would preclude the officer from paying for the move as a way to expedite the transfer. The employee may submit all invoices per *ADM:27 Personnel Relocation Expenses* for reimbursement. An employee will not receive additional points or "move up" on the Transfer List by offering to pay for his/her own move.

7.0 ATTACHMENTS

A. Transfer Request Form

8.0 APPROVAL

APPROVED BY: s/Gregory J. Fouratt DATE: February 3, 2016
DPS Cabinet Secretary